

## *Pilot Flight-and-Duty-Time Rule*



Statement of Thomas L. Hendricks  
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before the  
Subcommittee on Aviation  
of the  
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AIR TRANSPORT ASSOCIATION

Good morning Chairman Costello, Ranking Member Petri and Members of the Subcommittee. My name is Tom Hendricks. I recently became the Vice President of Operations and Safety at the Air Transport Association of America (ATA).

Pilot duty-limit and rest requirements are of the utmost importance. As a captain and professional pilot for nearly 23 years at a major U.S. airline, I understand the critical importance of safe airline operations and the dependency on crew members who are alert and can respond to the demands of flying commercial aircraft. Pilots, airlines and the Federal Aviation Administration (FAA) each have indispensable roles in achieving our common objective of ensuring adequate rest for crew members.

How that objective is achieved is also vital. Appropriate duty-limit and rest requirements must be the product of scientific research and operational experience, be effective and reflect the specific operational environment of each carrier. We must smartly combine data-driven and evidence-based approaches in devising any new regulatory initiatives.

Because ATA and its members recognized the significance of these considerations, we were very active participants in the Federal Aviation Administration Flight and Duty Time Aviation Rulemaking Committee (ARC). The FAA chartered the ARC on July 15, 2009 to recommend revisions to the agency's flight-and-duty-time rule. The ARC met this very compressed September 1, 2009 deadline. That achievement was the result of the collaboration and professionalism of those on the Committee.

While the ARC was active, ATA, the Cargo Airline Association and the Regional Airline Association submitted joint recommendations to the FAA for its consideration in the development of the expected notice of proposed rulemaking (NPRM). These recommendations reflected the diverse operations and experience of mainline, all-cargo and regional airlines.

We express in those recommendations support for a duty-day regulation that appropriately responds to fatigue risks, including circadian cycles, time awake, time on task and acclimation to time zones. Consequently, our recommendations were generally more restrictive than many duty-limit and rest regulations around the world. They will mitigate fatigue risk by reducing the duty time of pilots and expanding the amount of time for scheduled rest opportunities to ensure adequate rest.

Last Friday, the FAA released its flight-and-duty-time NPRM. We want to compliment Administrator Babbitt and Associate Administrator Gilligan for their leadership in shepherding the proposed rule. ATA and its members have not finished reviewing that lengthy and comprehensive document. We will fully respond to the NPRM in the comments that we file in the docket.

In the meantime, however, the concepts that we outlined last year in our joint recommendation indicate the principles that we believe should be embodied in any change to the FAA regulations. In essence, they are as follows:

The new regulation should require each air carrier to adopt an FAA-approved fatigue-mitigation program that contains the carrier's fatigue-mitigation policies and training programs. Means of compliance are now outlined in the recently released FAA Advisory Circular 120-103, which offers more detail and explanatory background than could be included in the proposed regulation. This process will provide flexibility for updating and modifying airline fatigue-mitigation programs as needed.

In addition, the regulation should recognize the wide array of air-carrier operating environments. While the goal for all of us is “one level of safety,” this does not mean, and is not accomplished by, one form of regulation. Any new regulation must account for the wide variety of operations, just as it does today.

Nothing in fatigue and sleep research suggests the need for a one-size-fits-all regulation. Indeed, science recognizes that individual differences and operational contexts affect performance. Science-based guidelines, judiciously blended with decades of operational experience, will allow the various air-carrier models to continue to operate with the highest degree of safety for crew members and passengers.

The regulation should clearly state that the crew member is responsible for properly preparing for flight during the prescribed “opportunity for rest.” Expressly stating this responsibility will help address pilot commuting issues and will establish the framework from which a carrier can develop fatigue policies.

Finally, any new regulation must confine itself to demonstrably necessary safety-related requirements and avoid issues appropriately left to resolution in collective bargaining.

ATA and its member carriers recognize the importance of this issue. We look forward to participating in the rulemaking proceeding.